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Prohibiting Dogs Running at Large (City Measure No. 54); Residence of City Officials and Employes (City Measure No. 51)

City Club of Portland (Portland, Or.)

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**REPORT
ON
PROHIBITING DOGS RUNNING AT LARGE**

Ordinance amending Police Code to prohibit under Police Code penalties, owner, possessor or keeper from permitting dog to run at large; defining "at large"; exempting seeing-eye and obedience trained dogs under certain conditions; and providing for impoundment.

No. 54 Yes ☐ No ☐

TO THE BOARD OF GOVERNORS
THE CITY CLUB OF PORTLAND:

Assignment

Your Committee was asked to study Ordinance #110970 entitled "An ordinance amending Article 16 of Ordinance #76339, the Police Code, by adding a new section thereto prohibiting dogs running at large." The City of Portland does ordain as follows:

Section 1. The Council finds that dogs, when running at large, cause property damage, fright and annoyance to certain people in the city, and that Article 16 of Ordinance No. 76339, the Police Code, should be amended by adding a new section thereto prohibiting dogs running at large and requiring that they, when off private property, be either on a leash or under voice control; now, therefore, Article 16 of ordinance No. 76339, the Police Code, hereby is amended by adding a new section thereto, to be numbered, entitled and to read as follows:

Section 16-1640. DOGS AT LARGE PROHIBITED

1. It shall be unlawful for the owner, possessor or keeper of any dog to permit such dog to run or be at large, whether such dog is licensed or not.
2. A dog shall be deemed to be "at large" within the meaning of this section when the dog is either:
 - a. On the premises of a person other than the owner, possessor or keeper of the dog, without consent of an occupant of such premises;
 - b. In or upon a vehicle without consent of the owner or possessor such vehicle; or
 - c. Not under control of the owner, possessor or keeper by leash or other means of physical restraint; or
 - d. On a public street, except when within sight and sound of the owner, possessor or keeper, and wearing a collar with a special license tag attached showing the dog to have been obedience trained or tested, as provided in this section; or
3. A seeing-eye dog accompanying its owner, possessor or keeper shall not be deemed to be "at large."
4. A special license tag showing a dog to have been obedience trained shall be issued when the owner or possessor of the dog presents to the licensing agency a certificate from the Oregon Humane Society that it has tested the dog for obedience in heeling and in returning to its handler upon voice command, as provided in this Article.
5. Any dog which is, or which appears to be, at large, shall be taken and impounded.

This ordinance was passed by the City Council on October 29, 1959 and referred to the voters at the May 20, 1960 primary election.

Sources of Information

The Committee approached its task with the full realization the subject is highly controversial. People are highly emotional about their pets, possibly even more so than about their children. Since so much printed material was available as a result of public

hearings on the ordinance, and since newspapers have so generously printed opinions of both proponents and opponents, we confined ourselves to gathering information from those we considered best informed regarding legislation of this type, such as the following: Mr. Edward B. Silva, Manager, Oregon Humane Society; Mr. Ted Hallock, public relations, "Speaking for Dogs"; Mrs. Emily Moltzner, Chairman, "Workers for Dog Control"; Miss Graziella Boucher, President, "Animal Defenders League, Inc."; Mr. William Snyder, public relations, Portland Veterinarians Association; Dr. Miner T. Patton, Chairman, Elementary School Principals Committee on Dog Control; Superintendent J. W. Edwards, Portland Public Schools; Richard Wilcox, M.D., Director, Oregon State Department of Health; Monroe Holmes, DVM, Veterinarian, Oregon State Department of Health; Frank Watts, DVM, Veterinarian, City of Portland Department of Health; D. H. Holtzheimer, DVM, President, Portland Veterinarian Association; Mr. Howard Traver, Administrative Assistant to Mayor Schrank; Office of Portland Traffic Safety Committee; King County Humane Society for the Defenseless; Mr. Albert Hodler, U. S. Postmaster; Mr. Edward Mallon, President, Branch #82, National Association of Letter Carriers.

Ordinances controlling the freedom of action of pets are not new to Portland. In fact, there are ordinances pertaining to the behavior of dogs. The proposed ordinance would enlarge restrictions against dogs and strengthen enforcement methods.

Present Controls and Enforcement

Ordinances now in force in the City of Portland controlling behavior of dogs and other pets make it unlawful for owners to permit animals to enter any lake, pond, fountain or stream or to roam at large in any park, and makes the owner liable for full value of damaged or destroyed property, impounding fees and penalties. It is also unlawful for an owner to allow a dog to enter any park or any public or private school grounds except when held by leash. It is unlawful for owners to own or keep within Portland a biting dog, or a dog that barks, yelps or howls to the point of annoyance, or who injures or destroys real or personal property. Dogs with contagious diseases, such as mange, eczema, ringworm, hepatitis or rabies, or female dogs in heat, are not permitted on streets or any other public place until they are well.

The Oregon Humane Society enforces ordinances pertaining to control of animals, insofar as they pertain to the animal. They seize and impound the dogs violating specific ordinances. This authority is vested by the Police Code, and an annual contract is drawn with the City of Portland, granting appropriations to the Oregon Humane Society, as official poundmaster for the City, to carry out enforcements. The work of the Nuisance Division of the City concerning some of the ordinances relates to evidence on complaints, giving notice for abatement of nuisance, and taking court action. The duties under the proposed ordinance, if passed, will be performed by the Society.

ARGUMENTS IN FAVOR OF THE MEASURE

1. It will eliminate or diminish the danger of being bitten by a dog. In 1959 there were 741 reports of such incidents in Portland¹. Rabies is not a problem, but infection is always a danger. The experience of an assault by a dog can be frightening and disfiguring.
2. It will reduce the number of dogs killed in traffic. Animal deaths from vehicle-animal collisions reported in 1959² totaled 340, mostly involving dogs. Enforcement of Seattle's leash law began in February, 1959, and that city reports a 50% reduction of dogs killed in the streets from those of 1958³.
3. It would reduce personal injury, nerve wracking experiences, and collision damage suffered in attempts to avoid striking dogs..
4. It would reduce the poisoning of pets, which is a despicable act often resulting from aggravating experiences with a poorly trained dog or an irascible dog owner.
5. It would improve the health and care of pets which now raid garbage cans and compost accumulations.

¹City of Portland Department of Health

²City of Portland Police Bureau

³King County Humane Society

6. It would lower the incidence of disease transmitted from dog to man, or from dog to dog or other animals. Humans are most susceptible to ringworm. Diseases passed on to other animals are mange, ringworm, hepatitis, distemper, etc.
7. It would reduce or eliminate damage to or littering of lawns, gardens, flower beds, sidewalks, etc. Fouling of lawns, shrubs, and flowers are more than an annoyance; it can be downright expensive, and often leads to a poisoning incident. It would improve neighborhood personal relationships.
8. It would eliminate "trash" dogs⁴ — this term referring to unlicensed dogs — dogs without homes, or those whose owners give them no care and provide little or no food.
9. It would provide greater control over licensed dogs and reduce the nuisance factor. Again from Seattle⁵, even outspoken critics of their leash law admit there are 50% fewer dogs running loose.
10. It would reduce or eliminate trespass. In this respect, dogs take greater liberties than humans.
11. The present ordinance regarding control of dogs on school grounds has not proven adequate. The proposed ordinance would eliminate danger to children and unsanitary conditions on school grounds, time wasted by teachers and principals in dealing with dog problems, and resentment of dog owners toward school officials.
12. The experience of other communities where such ordinances are in force indicate beneficial effects to dogs, dog owners, and the public at large and have gained general acceptance and support.

ARGUMENTS AGAINST THE MEASURE

Opponents offer these objections:

1. The proposed leash law would be ineffective and unenforceable, and thus, far worse than no law at all, as it would undermine enforcement of existing dog control measures. Any unenforceable law breeds contempt for law, and encourages lawlessness in general.
2. The proposed ordinance contains the following specific defects:
 - a. No provision as to who shall enforce it.
 - b. No provision for financing enforcement. Portland is chronically — sometimes acutely — short of money. The proponents' estimate of \$30,000 per year is unrealistic. Costs of enforcement are estimated as high as \$120,000 per year.
 - c. No specification as to the length of a leash — six feet, sixty or what?
 - d. No practical method is provided whereby one desiring rigid enforcement can determine whether a dog apparently on the loose has a proper tag..
 - e. It would allow owners of dogs with obedience tags to abuse the privilege, and the brunt of resultant criticism to fall upon the enforcement agency.
 - f. It erroneously assumes the effectiveness of voice control. Such "control" dissolves under extreme conditions — a female in heat, a dog fight, a passing cat, etc. Nor can voice control maintain where there are children in the family, as it is really effective only as to a single master.
3. The ordinances are now clear, and adequate to cover all areas of danger. Any present problems stem from the failure to enforce present laws. The enactment of another ordinance would not improve enforcement, nor enlist aid from the public, which has failed to exhibit a participating interest in enforcing present laws.
4. It would not eliminate the promiscuous elimination by dogs on neighboring property. Owners would let out dogs, or take them out on leash, at hours when enforcement officers are not around.
5. Experience of other cities is that the dog population drops substantially right after enactment of such an ordinance, but after two or three years is back up again, and there are as many dogs in the city as before.
6. Danger from dog bites has been over emphasized. No case of rabies has been reported in Portland since 1941.

⁴Ibid

⁵Ibid

7. Proponents mention vehicle-animal collisions, without indicating how many involved dogs. There is no indication of damage to vehicles or to riders. If the dog and dog owners wish to take their chances, that is their own concern.
8. The Oregon Humane Society now receives 90% of dog licenses and fees. The proposed ordinance would cut down the number of dogs and reduce the means of the Humane Society to function effectively, including dog control.
9. The real problem is the dog owner who doesn't have enough consideration for his neighbors and others to train and control his dog so that it is neither a nuisance or a danger. Dogs and good owners should not be penalized because of the actions of irresponsible or inconsiderate dog owners.
10. Children would be discouraged from owning dogs. Children are benefited by having pets, learning certain elements of consideration, responsibility and other virtues.
11. The proposed ordinance would be cruel to the dog, and would make a potential criminal out of every dog owner and an outlaw of every dog, and subject dogs to unbridled vindictiveness of every dog-hater in the City.
12. The proposed ordinance is a poor reward for the faithfulness and proven nobility of the dog.⁶

DISCUSSION

Portland is not a country town. The city continues to grow, and its open areas shrink every day. It no longer offers a proper atmosphere for maintaining pets at large. Other communities in Oregon and outside our state have placed restrictions upon the dog population.⁷

The 1959 dog population of Portland was 27,000 licensed, with a total population of 35,000, and possibly as high as 40,000. The figures appear reasonable in comparison with other cities throughout the country. Dogs in such numbers in the congestion of urban living create problems not found in rural areas.

These problems relate to public health and public safety, the frustrations of too much "togetherness," the maintenance of property, pride of ownership, the exasperations of trespass, the frictions due to the lack of consideration, and myriad others. These affect human beings whose interests and welfare should receive first consideration, and were the impelling force which produced the new ordinance.

Most arguments presented bore some elements of value. It is hard to find validity in the statement that dogs should be allowed to roam freely as that is their nature. Such is also the nature of other animals, but they don't enjoy any immunity on this point. Some emotional individual referred to "man's best friend" and stated this ordinance was poor reward for such devotion. It would be more accurate to state "Man is a dog's best friend."

We believe the fear of discouragement of ownership of pets by children to be unfounded. The virtues mentioned would be more firmly impressed by providing better care for dogs.

It must be noted that the prepared ordinance has many shortcomings. It will not satisfy those who are interested in putting all dogs on leash when away from the premises of their owner. However, we believe it will improve the climate for dogs in Portland and will allay efforts for even greater restrictions.

We do not agree that "it makes a potential criminal of every dog owner, an outlaw of every dog." We have chronic traffic violators, but the repeal of traffic laws would

⁶"If you pick up a starving dog and make him prosperous, he will not bite you. This is the principal difference between a dog and a man"—Mark Twain

⁷Oregon cities with ordinances restricting dogs running at large show the following: For the whole year, 43; For summer months only, 25; For certain hours, either for the whole year or portions thereof, 7.

The neighboring city of Vancouver has year-around control, as do Seattle and Spokane, Washington. (University of Oregon, Bureau of Municipal Research and Service, Portland office, September 22, 1958.)

be no remedy. Others consistently violate the fish and game laws, but no one advocates repeal to save them from their lawlessness. It is our opinion that the ordinance can be satisfactorily enforced through existing agencies with proper appropriations.

Conditions in school areas have improved since the passage of Ordinance #110911 on October 15, 1959. There is room for more improvement which can be accomplished by this amendment.

Of course every action cannot be controlled by law. Dog owners would improve the situation with good manners, consideration for others, and ministering to their pets on their own premises.

CONCLUSIONS

If an ordinance is to be adopted, it should stand these three tests: Is it desirable? Is it reasonable? Is it enforceable? We believe this ordinance meets all three tests satisfactorily. The ordinance is not perfect. To some it is not stringent enough. To others it is too restrictive. We believe the proponents of this measure have produced an ordinance which is fair, places no undue burden on dogs and their owners, and protects the majority who tolerate the pets of their friends and neighbors.

In arriving at the foregoing conclusion, we have attempted to weigh all arguments, both for and against. We believe that the arguments against are not entirely valid and logical, and are outweighed by the merits and logic in favor of the proposed ordinance.

RECOMMENDATION

Your Committee unanimously recommends that the City Club go on record as approving the passage of the proposed Ordinance #110970 prohibiting dogs running at large.

Respectfully submitted,

QUINTEN W. COCHRAN, M.D.

W. T. LEMMAN

WILLIAM K. SHEPHERD

WILLIAM F. THOMAS

BYRON VAN FLEET, *Chairman*.

Approved May 2, 1960, by the Research Board for transmittal to the Board of Governors.

Received by the Board of Governors May 2, 1960, and ordered printed and submitted to the membership for discussion and action.